

IN THE CLAIMS:

Please amend claims 1, 9 and 10 as follows:

1. (Currently Amended) A computer-implemented method for a third party provider to ~~guarantee the performance of provide maintenance service for~~ long-term capital equipment or fixtures of an owner ~~by managing and maintaining the long-term capital equipment or fixtures for a specified period of time~~, comprising the steps of:
 - (1) diagnosing existing conditions of the long-term capital equipment or fixtures by the provider ~~to determine if any repairs are required to bring the long-term capital equipment or fixtures to a predetermined start-up standard of performance, said predetermined start-up standard of performance being negotiated between the owner and the provider;~~
~~providing a warranty by the provider on the long term capital equipment or fixtures in conjunction with a purchase of an initial maintenance service by the owner, said providing of the warranty including transferring from the owner to the provider the risk of maintaining performance of the long term capital equipment or fixtures during a specified time and within a predetermined start up standard by:~~
(1) (2) repairing the long-term capital equipment or fixtures by the provider to reach the start-up standard if any of the existing conditions are below the predetermined start-up standard;
 - (2) (3) developing a maintenance schedule by the provider ~~to perform recurrent inspections, preventive maintenance, and housekeeping on the long-term capital equipment or fixtures so as to maintain the long-term capital equipment or fixtures at a standard of performance for a specified period of time, said standard of performance being negotiated between the owner and the provider and set to within industry acceptable parameters according to the predetermined start-up standard and any of existing conditions which are beyond the predetermined start-up standard; and~~
(3) (4) providing a warranty by the provider on the long-term capital equipment or fixtures in conjunction with the purchase by the owner of performance of the (1)-(3) steps, said providing of the warranty including transferring from the owner to the provider the technical and financial risk associated with managing and maintaining the long-term capital equipment or fixtures within the standard of

~~performance during the specified period of time maintaining the long-term capital equipment or fixtures by the provider according to the maintenance schedule so as to fulfill the warranty,~~

~~wherein said predetermined start-up standard is negotiated by the owner and the provider and set to bring the long-term capital equipment or fixtures at least to within industry acceptable parameters so as to maintain the long-term capital equipment or fixtures over the specified time of the warranty.~~

2. (Original) The method according to claim 1, wherein the diagnosing step further comprising a step of inspecting at least one site where the long-term capital equipment or fixtures are located.
3. (Original) The method according to claim 1, wherein the diagnosing step further comprising a step of interviewing at least one owner or manager of the long-term capital equipment or fixtures.
4. (Original) The method according to claim 1, further comprising a step of generating a report on results of the diagnosing step.
5. (Original) The method according to claim 1, further comprising a step of inputting and analyzing results of the diagnosing step.
6. (Original) The method according to claim 5, further comprising a step of providing recommendations for any necessary repairs and cost estimates.
7. (Original) The method according to claim 1, wherein the maintaining step further comprising a step of inspecting the long-term capital equipment or fixtures according to the maintenance schedule so as to adjust the maintenance schedule.

8. (Original) The method according to claim 7, wherein the maintaining step further comprises a step of inputting results of the inspection step executed according to the maintenance schedule.
9. (Currently Amended) An automated system for a third party provider to guarantee the performance of provide maintenance service for long-term capital equipment or fixtures of an owner by managing and maintaining the long-term capital equipment or fixtures for a specified period of time, comprising:
 - (1) means for diagnosing existing conditions of the long-term capital equipment or fixtures by the provider to determine if any repairs are required to bring the long-term capital equipment or fixtures to a predetermined start-up standard of performance, said predetermined start-up standard of performance being negotiated between the owner and the provider; and

~~means for providing a warranty by the provider on the long term capital equipment or fixtures in conjunction with a purchase of an initial maintenance service by the owner, said means for providing the warranty including means for transferring from the owner to the provider the risk of maintaining performance of the long term capital equipment or fixtures during a specified time and within a predetermined start-up standard,~~

~~wherein said means for transferring from the owner to the provider the risk of maintaining performance includes:~~

(2) means for repairing the long-term capital equipment or fixtures by the provider to reach the start-up standard if any of the existing conditions are below the predetermined start-up standard;

(3) means for developing a maintenance schedule by the provider to perform recurrent inspections, preventive maintenance, and housekeeping on the long-term capital equipment or fixtures so as to maintain the long-term capital equipment or fixtures at a standard of performance for a specified period of time, said standard of performance being negotiated between the owner and the provider and set to within industry acceptable parameters according to the predetermined start up standard and any of existing conditions which are beyond the predetermined start up standard; and

(4) means for providing a warranty by the provider on the long-term capital equipment or fixtures in conjunction with the purchase by the owner of performance by the (1)-(3) means, said providing of the warranty including transferring from the owner to the provider the technical and financial risk associated with managing and maintaining the long-term capital equipment or fixtures within the standard of performance during the specified period of time maintaining the long-term capital equipment or fixtures by the provider according to the maintenance schedule so as to fulfill the warranty, and

~~wherein said predetermined start-up standard is negotiated by the owner and the provider and set to bring the long-term capital equipment or fixtures at least to within industry acceptable parameters so as to maintain the long-term capital equipment or fixtures over the specified time of the warranty.~~

10. (Currently Amended) A computer program product for a third party provider to guarantee the performance of provide maintenance service for long-term capital equipment or fixtures of an owner by managing and maintaining the long-term capital equipment or fixtures for a specified period of time, comprising:

(1) a diagnosing module for diagnosing existing conditions of the long-term capital equipment or fixtures by the provider to determine if any repairs are required to bring the long-term capital equipment or fixtures to a predetermined start-up standard of performance, said predetermined start-up standard of performance being negotiated between the owner and the provider; and

~~a warranty module for providing a warranty by the provider on the long-term capital equipment or fixtures in conjunction with a purchase of an initial maintenance service by the owner, said warranty module including a transfer module for transferring from the owner to the provider the risk of maintaining performance of the long-term capital equipment or fixtures during a specified time and within a predetermined start-up standard as negotiated by the owner and the provider,~~

~~wherein said transfer module includes:~~

(2) a repairing module for repairing the long-term capital equipment or fixtures by the provider to reach the start-up standard if any of the existing conditions

are below the predetermined start-up standard;

(3) a maintenance schedule module for developing a maintenance schedule by the provider to perform recurrent inspections, preventive maintenance, and housekeeping on the long-term capital equipment or fixtures so as to maintain the long-term capital equipment or fixtures at a standard of performance for a specified period of time, said standard of performance being negotiated between the owner and the provider and set to within industry acceptable parameters according to the predetermined start up standard and any of existing conditions which are beyond the predetermined start up standard; and

(4) a maintenance warranty module for providing a warranty by the provider on the long-term capital equipment or fixtures in conjunction with the purchase by the owner of performance by the (1)-(3) modules, said providing of the warranty including transferring from the owner to the provider the technical and financial risk associated with managing and maintaining the long-term capital equipment or fixtures within the standard of performance during the specified period of time maintaining the long term capital equipment or fixtures by the provider according to the maintenance schedule so as to fulfill the warranty, and

wherein said predetermined start up standard is negotiated by the owner and the provider and set to bring the long term capital equipment or fixtures at least to within industry acceptable parameters so as to maintain the long term capital equipment or fixtures over the specified time of the warranty.

11. (Original) A computer-implemented method according to claim 1, wherein the step of transferring the risk includes transferring 100% of the risk from the owner to the provider.
12. (Original) A computer-implemented method according to claim 1, wherein the step of transferring the risk includes transferring 100% of the risk, except for unauthorized changes, abuse to the structure and acts of God from the owner to the provider.
13. (Original) An automated system according to claim 9, wherein the warranty

transferring the risk includes a transfer of 100% of the risk from the owner to the provider.

14. (Original) An automated system according to claim 9, wherein the warranty transferring the risk includes a transfer of 100% of the risk, except for unauthorized changes, abuse to the structure and acts of God from the owner to the provider.
15. (Original) A computer program product according to claim 10, wherein the warranty module includes a transfer of 100% of the risk from the owner to the provider.
16. (Original) A computer program product according to claim 10, wherein the warranty module includes a transfer of 100% of the risk, except for unauthorized changes, abuse to the structure and acts of God from the owner to the provider.